



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene
Office of Health Care Quality
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Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

TRANSMITTAL

TO: Nursing Home Administrators

FROM: Nancy Grimm, RN, JD, Director *NBG*
Director, Office of Health Care Quality

DATE: April 28, 2011

RE: **Requests for Medical Records**

This transmittal is to clarify facility requirements for providing resident access to resident records kept by the facility, and the release of those records to a resident of the nursing home, and/or a resident's legal representative/surrogate.

Both state and federal regulations require that a resident, or his or her legal representative, be provided access to the requested records within 24 hours of an oral or written request (excluding weekends and holidays). "Records" includes all records pertaining to the resident, such as trust fund ledgers pertinent to the resident, medical records, and contracts between the resident and the facility.

Copies of the records shall be provided to the resident or legal representative within two working days of an oral or written request.

Facilities may charge a fee for the cost of copying the records. However, the fee should not exceed the community standard (amount charged per copy by organizations such as the public library, the Post Office or a commercial copy center). Additional fees for locating the records or typing forms/envelopes may not be assessed in the initial copying fee.

Facilities may not require the resident or legal representative/surrogate to complete facility forms or documents in order to view or obtain copies of the resident's record.

Facilities should verify that a surrogate or representative has the necessary authority to review records.

State requirements are located in the Code of Maryland Regulations at 10.07.09.08 (13) and (14).

Federal requirements are located in Title 42, Code of Federal Regulations, §483.10(b)(2).

Please contact Margie Heald, Deputy Director – Federal Programs at mheald@dhmh.state.md.us if you have questions.

NH – (1) 04-28-2011